



Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust
PO Box 1230, East Helena, Montana 59635
Telephone: (406) 227-1242

March 7, 2013

Betsy Burns
RCRA Project Officer
EPA Region VIII
Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During January 2013

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of January 2013 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for East Helena (EH) Site
January 2013**

#	Topics & Subtasks	Date(s)	Major Activities ⁱ	Con ⁱⁱ
I.	RCRA Corrective Action			
A.	Investigations, Studies, Analyses and Data Collection			
1.	Phase II RFI	During Period	No significant Phase II RFI activities occurred during the reporting period.	NA
2.	FSAP	1/24/13	EH personnel inspected the test pit site locations with Hydrometrics in preparation for digging additional test pits.	TS
3.	Risk Assessment	During Period	No significant risk assessment activities occurred during the reporting period.	NA
4.	Upper Lake Aquifer Test	During Period	No significant Upper Lake Aquifer Test activities occurred during the reporting period.	NA
5.	GW Model	During Period	No significant GW model activities occurred during the reporting period.	NA
6.	Database Management	During Period	No significant database management activities occurred during the reporting period. All 2012 FSAP data has been entered into the database.	NA
7.	Project Management	During Period	No significant project management activities occurred during the reporting period.	NA
B.	Interim Measures			
1.	SPHC IMs	12/31/12	Continued development of Hydraulic Analysis Existing Conditions (HEC-RAS modeling); Conducted final review and editing of hydrologic analysis tech memo, distributed to team for review and comment.	CH PT
		During Period	<ul style="list-style-type: none"> • Ready to submit RFP pending permits (need DEQ 318 permit, hopefully this week and COEH made announcement in paper on 1/2) and IMWP 2013 approval. • Prepared subcontractor work scopes to authorize commencement of 2013 PPC realignment detailed engineering • Prepared 2013 Purchase Orders for subconsultants. • Began sr. technical review of PTS' Hydrology tech memo. • Detailed analysis of reference reaches, for development of channel design criteria. • Performed QC review of PTS' Hydrology tech memo; submitted comments to CH on QRF form. • Further developed and completed Draft –Existing Hydraulic Conditions Analysis tech memo ; • Coordinated with AGI to support fluvial geomorphic analysis and interpretation of November 2012 data; • Began development of engineering criteria. • Coordinated flood plain permitting with COEH and their engineer (Craig Jenneskins) 	CH AG PT HY
		During Period	<ul style="list-style-type: none"> • Bidding still on hold pending COEH approval of FP permit, EPA approval of IMWP 2013, and Trust • Obtain pdf of Upper Lake base map from Hydrometrics. Requested provision of raw data for update to the topo map in this area. • Distributed preliminary Tito Park regrading options to PPC team. • Coordinated on the locations of additional test pits around Upper Lake. • Revised, reviewed, and submitted Draft -Hydraulic analysis of Hydraulics TM. 	CH AG PT HY

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			<ul style="list-style-type: none"> Continued work on Draft Sediment continuity analysis of existing conditions. Continued Development of Engineering Criteria. Completed sr. technical review of PTS' Hydrology tech memo; Combined CH's comments on the Hydrology TM with CCI's comments, and reviewed for consistency. Coordination with PTS on development of design criteria; Reviewed Existing Hydraulic Conditions TM; Reviewed Channel Stability Analysis TM Reviewed Existing Hydraulic Conditions TM. Submitted SOW for additional test pits to Trust; lined up excavator subcontractor. Continued work on Draft Sediment continuity analysis of existing conditions; 	
2.	ET Cover System IMs	1/4/13	Resubmitted Version 3 of the Phase 1 Demo SOW	CH
		1/4/13	Coordination with HATCO re: historic RR easements in Sections 31 and 36	CH MM
		1/8/13	Conducted COEH waterline relocation bid site walk	CH MM HY
		1/11/13	Met with Blaine and obtained data on plant water consumption. Discussed water losses from existing buried piping with MECT. Continued development of concepts for provision of plant water to the facility. Current thought is that use of tankage to supply water to plant operations might be more cost effective than building a new feeder line from relocated COEH waterline. Need more input from MECT before this decision can become final. If tankage option is selected, plant personnel to locate and install tankage	CH CT
		1/13/13	Prepare purchase requisition for Envirocon Subcontract	CH
		During Period	<ul style="list-style-type: none"> Coordinated Hydrometrics excavation of test pits in Valley View Landfill (VVL). Collected samples from test pits. Defined compositing plan for east bench and VVL test pit samples. Samples will be composited and shipped to lab for geotechnical testing. Continued preparation of CH2M HILL scope for PO 033 WI 3 – Utility Relocation Support, with emphasis on engineering evaluations for relocation of the 69kV transmission line. Began preparation of purchase order for MMI assistance on COEH Waterline Bidding Burlington Northern RR easement – MMI has not found anything that abandons the easement. Need to discuss with RR if they have documentation. Records back to late 1800's is not clear the status of the easement. 1963 document that shows RR gives easement for the highway to MDOT. Continue coordination for MBTA work scope. Have discussion with Envirocon related to Phase 1 demo construction activities Began initial investigation and preparation of stormwater grading plans for Phase 2 Demolition area. Phase 2 Demo - Detailed engineering- revisions to project instructions, prepared subcontractor task orders, water use planning meeting Phase 2 demo - Utility Relocations- Coordinated with NWE, conducted meeting with NWE and METG re power line relocations 	CH HY

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			<ul style="list-style-type: none"> Continued research on RR easement within East Bench area. COEH waterline Bid Services- coordination of bidder questions and RFP amendment, research and recommended boring contractors, preparation of subcontractor task orders. COEH Waterline Bid Services - Prepare bid evaluation spreadsheet with cost comparison to engineers estimate and ROM Envirocon Subcontract signed by both parties. NTP issued to begin planning documents and permits Continued work on stormwater plans for Phase 2 Demolition area 30% submittal. Met with B. Cox onsite to go over powerhouse power issues with regards to supplying power to the WTP. COEH Waterline Detailed Engineering- Team coordination; passed on direction to MMI to proceed w/ RR crossing application COEH waterline Bid Services- receive bids and begin evaluation Discuss Envirocon Subcontract with them, answer questions Continue coordination for MBTA work scope. Have discussion with Envirocon related to Phase 1 demo construction activities Continue investigation and preparation of stormwater grading plans for Phase 2 Demolition area. 	
		During Period	<ul style="list-style-type: none"> Detailed engineering- Team coordination (MMI & HI started engineering), revised and issued project instructions, revised subcontractor task orders (POs received by MMI & HI) Utility Relocations- Coordinated with NWE, conducted meeting with NWE and METG re power line relocations COEH waterline Bid Services- coordination of bidder questions and RFP amendment, research and recommended boring contractors, preparation of subcontractor task orders. COEH Waterline Bid Services - Prepare bid evaluation spreadsheet with cost comparison to engineers estimate and ROM Detailed Engineering- Team coordination, MMI assisted w/ bidder questions & made initial contact w/ BNSF re RR easements 	CH
		2/1/13	Received ROW maps from BNSF and have contacted their agent requesting deed information	CH MM
3.	Source Removal IMs	1/11/13	Hydrometrics submitted the CAMU leachate bench testing proposal for the HDS turbidity problems.	HY
		During Period	<ul style="list-style-type: none"> Presented Tito Park grading options analysis to Trust in conjunction with Soil Removal Evaluations process described below. Coordinated path forward for design development for Tito Park with Trust. Finalized the CAMU 3 BODM memo and filed all related 60% engineering documents on the BBH server in Spokane 	CH
4.	IM Work Plans	During Period	<ul style="list-style-type: none"> Continued preparing response to comments Coordinated Trust and EPA review comments on IMWP 2013 Started revisions to IMWP 2013, based on Trust and EPA review comments. 	CH
		2/1/13	Received EPA's conditional approval of IMWP 2013.	CH
5.	RCRA Team Support	1/16/13	Held conference call with NewFields. Discussed progress of groundwater flow model calibrations, and coordinated on PPC Bypass and Realignment predictive simulations.	CH
		1/18/13	Presented to Trust results presented in the three TMs related to the 2012 source removal evaluation listed above.	CH
		During Period	<ul style="list-style-type: none"> Continued preparation of 2012 source removal evaluation. Issued for Trust review draft versions of the MVS Model Continued coordination with NewFields on the groundwater flow model activities. Predictive simulations in support of the SPHC IM will include modeling the PPC Bypass in and Smelter Dam removed. 	CH HY

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			<ul style="list-style-type: none"> Continued with follow-up activities to 1/18 presentation of 2012 work on the Source Removal Decision Model. Continued with planning of upcoming source removal evaluations, to include additional MVS modeling and sitewide CSM work. Continued coordination with NewFields on the groundwater flow model activities. Predictive simulations in support of the SPHC IM included modeling the PPC Bypass in and Smelter Dam removed. Prepared the final draft version of the Tito Park soil evaluation TM and issued Completed internal review of MVS model technical memorandum Completed internal review and revision of Tito Park grading evaluation TM Completed Tito Park soil grading evaluations and prepared initial contaminant mass estimates for the Tito Park grading plans using the MVS model. Draft versions of two tech memos, one describing MVS model development activities, and the second summarizing the results of Tito Park soil grading evaluations, went through CH2M HILL internal senior review. Continued to develop soil remedy performance standards and media cleanup objectives. Also continued to develop draft corrective measures approach and annotated outline of the Soil CMS. Continued work on Tito Park/LL/Upper OSA CSM. Continued preparation of 2012 soil removal evaluation. Issued for internal draft review the Tito Park Grading Evaluation, MVS Model TM, Tito Park/LL/UOS Area Mass Calculation TM, draft soil removal performance standards, and ppt presentation for proposed approach to Soil CMS 	
6.	General (Programmatic) IMs	During Period	Prepared PRICER template for LOE and budget input to Oracle	CH
		1/10/13	Conducted weekly project review meeting with MECT	CH
		During Period	Coordination preparation of Migratory Bird Treaty Act work scope. Issued revised draft for internal review	CH
		During Period	<ul style="list-style-type: none"> Completed team discussion of MPDES memo and planned next steps. Attempted to schedule meeting with the Trust to discuss Communicated plans for distribution line relocation with NW Energy. Received revised NW Energy proposal for completing engineering and construction of the relocated distribution line Continue evaluation of water requirements for HDS and options for supply post COEH waterline disconnect 	CH
		1/25/12	Update the plant water needs tech memo and submit to Trust	CH
7.	Project Management	During Period	<ul style="list-style-type: none"> Updated ETCs and EACs for all engineering tasks Updated the CO/PO tracking system Continued preparation of the 2013 PO preparation plan <p>Continued scope development for the following:</p> <ul style="list-style-type: none"> PO 30 - SPHC IM Design – submitted 12/31 PO 31 - PPC Realignment Design – submitted 12/31 PO 32 - SPHC Permitting PO 33 - ET Cover System IM Design PO 34 - Source Removal Interim Measure 	CH

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			<ul style="list-style-type: none"> • PO 35 - IM/RCRA Support • PO 36 - Project Management – submitted 1/4 • PO 37 - Project Controls – submitted 1/4 • 2013-CO1 – Emergency Funding <p>Completed the following:</p> <ul style="list-style-type: none"> • Continued preparation of PO 33, WI 1 and 3 SOW • Continued preparation of PO 34 WI 1 SOW • Continued preparation of PO 35 WI 1, 2, 3, 7, and 9 SOW • Obtained signed CPO 52 PO from MECT • Obtained NTP on CPO 52 from MECT • Issued revised CO 2013-01 to MECT for approval • Obtained approved CO 2013-01 from MECT • Set up CH2M HILL charge codes for 2013 and issued time charging instructions to project team • Reviewed MMI and Hydrometrics invoices for 2012 work. • Prepared 2013 task orders for subcontractor work authorization on PO 31 PPC Realignment • Prepared draft change order for MMI work on PO 017 for payment of completed 2012 work items • Reviewed MECT proposed schedule changes and planned incorporation of changes into the Master Project Schedule • General Administrative work tasks: • Project controls development process for tracking and execution of 2013 activities • Updated submittal register • Updated action item tracking sheet • Continue preparation of December invoice • Continue preparation of December MSR 	
		1/18/13	Submit December invoice	CH
		1/18/13	Submit December MSR	CH
		1/18/13	Prepared updated Master Project Schedule; issued for Trust review	CH
		1/18/13	Attend monthly MSR meeting	CH
		1/21/13	Hold Task Lead weekly meeting to discuss work item progress, schedule, financial status, and critical pathways	CH
		1/25/13	Prepared and issued work scope for Migratory Bird Treaty Act engineering and permitting services	CH
		1/31/13	Hold Task Lead weekly meeting to discuss work item progress, schedule, financial status, and critical pathways	CH
8.	Permitting	During Period	No significant permitting activities occurred during the reporting period.	NA
C.	CMS			

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II. Beneficiary/Stakeholder Communications				
A.	Beneficiary Communications	01/24/13	Draft 2013 EH Budget Review (EPA & MDOJ)	
B.	Stakeholder Communications	na	No significant stakeholder communication activities occurred during the reporting period.	
III. Site Management & Operations				
A.	Site-Wide Health & Safety/Regulatory Compliance	1/8/13	EH personnel completed the mandatory 8-hr HAZWOPER refresher training.	TS
		During Period	<ul style="list-style-type: none"> EH personnel completed weekly and monthly inspections of health and safety systems, CAMU #1 and #2 liners, temporary liners, natural gas hoses and hazardous waste roll-offs. EH personnel removed debris from Smelter Dam and the diversion structure. 	TS
		1/25/13	The CT submitted the MPDES Annual Report and DMRs for the HDS water treatment plant. They also revised the SWPPP and Storm water DMRs.	CT
B.	Site Security	During Period	No significant site security activities occurred during this reporting period.	NA
C.	Plant Operations	1/2/13	TS Consulting discovered a power pole by the gas meter house, which provides power to the meter house, was backed into by a Chemet truck. CT personnel contacted NW Energy and their gas department would send someone to assess the damage.	TS
		1/9/13	The broken power pole near the gas meter house that was damaged by a Chemet truck fell to the ground. EH personnel checked the cut power line and tried to determine if the power needed to be shut off.	TS
		1/15/13	EH personnel replaced the sand filter discharge valves on the limit switch on the HDS bench.	TS
		1/22/13	EH personnel checked and removed the light ballast at the Manager's outbuildings.	TS
		1/23/13	EH personnel repaired the bathhouse roof heater.	TS
		1/30/13	EH personnel installed smoke detectors in the HDS plant, Carwash building and shop.	TS
D.	Stormwater Management	During Period	No significant stormwater management activities occurred during this reporting period.	NA
E.	Documents & Records	1/2/13	The CT received a call from Asarco's attorney, Jim Warren, inquiring about Asarco's financial records. He was referred to Cindy Brooks to discuss and answer any questions.	CT
		1/3/13	EH personnel continued relocating documents from the site to the conex containers near the Manlove offices for long-term storage until 2019. They moved records from the Engineering Office and transported them to the containers.	CT TS
		1/21-22/13	CT personnel put together an estimated budget for the remaining document and records relocation project. They took into account the remaining space in the shipping containers, number of boxes/filing cabinets remaining on site, etc.	CT
F.	Water Rights	During Period	No significant water rights activities occurred during this reporting period.	NA
G.	Other Property Management	1/14/13	CT personnel submitted the Persona Property Tax report for EH to the Department of Revenue.	CT
		1/21-22/13	EH personnel removed the remaining universal waste, including the A/C unit and fluorescent tubes, from the garage at the Manager's house and installed plywood over the hole left in the open window.	TS
H.	Other Site Operations	During Period	No significant other site operations activities occurred during this reporting period.	NA
IV. Property Use/Development				
A.	Agricultural Leases	During	No significant agricultural lease activities occurred during this reporting period.	NA

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		Period		
B.	Community Land Uses	1/11/13	The CT met with Deputy Cornish with the L&CC Sheriff's Department about explosive entry at the manager house out buildings.	CT
		1/15/13	Habitat for Humanity removed all recyclable items from the Manager's house garage.	NA
C.	Redevelopment & Property Sale	During Period	No significant redevelopment and property sale activities occurred during this reporting period.	NA
D.	Slag Re-Processing	1/9/13	EH personnel opened the Acid Plant gate for Metallica to allow them to retrieve their cover lifting beam.	TS
		1/18/13	Metallica scheduled to remove another load of slag for 1/22/13.	NA
		1/22/13	Metallica began loading train cars with slag in preparation for shipment to British Columbia.	NA
E.	City/County Land Transfers	During Period	No significant City/County land transfer activities occurred during this reporting period.	NA
V.	CT Operations & Financial Affairs			
A.	Personnel & Office Operations	1/4/13	CT personnel changed Pam Norris' computer password to access the computer for 2011 CAMU leachate pumping volumes. CT personnel also copied all files on C & U drives to the T:Drive for future access.	CT
		1/28/13	EH personnel installed smoke detectors in the METG office buildings to comply with insurance requirements.	CT
B.	Financial Affairs	During Period	The CT continued to evaluate and review PO's for CH2MHill and SP4C continued development of CT project controls systems .	CT CH SP
VI.	Upcoming Activities			
		02/27/13	PPC Bypass Bid Walk	

ⁱ See [Attachment I](#) for a list of acronyms used in the weekly progress reports.

ⁱⁱ "Con" refers to consultants, contractors and third-party professionals involved in the specific tasks and activities. A list of all such consultants, contractors and third-party professionals, along with the corresponding abbreviations used in the weekly progress reports, is provided in [Attachment II](#).

Section 3. Describe and estimate the percentage of studies completed.

No projects or studies were completed in January 2013.

Section 4. Describe Actions being taken to address problems.

There were no actions required to address problems associated with the Decree.

Section 5. Identify changes in key personnel during the period.

None during the reporting period.

Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement. Issues related to the CAMU trust are stilling being resolved between the beneficiaries and ASARCO.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jim Ford", with a long horizontal line extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as
Trustee of the Montana Environmental Custodial Trust

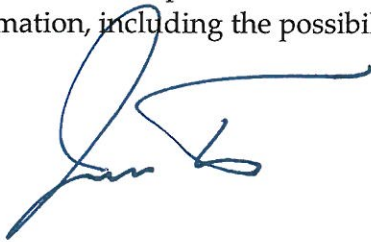
By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ
Randy Breeden - EPA 8
Chuck Figur - EPA 8

CERTIFICATION
PURSUANT TO U.S. v ASARCO INCORPORATED
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."



Montana Environmental Trust Group, LLC
Not individually but solely in its representative capacity as
Trustee of the Montana Environmental Custodial Trust
By: Greenfield Environmental Trust Group, Inc., Member
By: Jim Ford, Duly Authorized Owner Representative